

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Sep 11, 2018**

SEAN F. MCAVOY, CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS QUINTO FRAGOSO,

Defendant.

No. 1:17-CR-2016-SMJ

**AMENDED PRELIMINARY  
ORDER OF FORFEITURE**

Before the Court, without oral argument, is the Government's Motion for Entry of an Amended Preliminary Order of Forfeiture, ECF No. 96, and related motion to expedite, ECF No 97. Having reviewed the pleadings and the file in this matter, the Court is fully informed and grants the motions.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Government's Motion for Entry of an Amended Preliminary Order of Forfeiture, **ECF No. 96**, and related motion to expedite, **ECF No. 97**, are **GRANTED**.
2. As a result of the guilty plea to Count 1 of the Superseding Information for which the USAO sought forfeiture pursuant to 18 U.S.C. § 1594, Defendant Carlos Quinto Fragoso shall forfeit to the United States any

1 and all personal property constituting proceeds of, or facilitating the  
2 commission of the offense, Child Sex Trafficking.

3 **3.** Based on the Defendant's plea agreement, the following assets are  
4 subject to forfeiture pursuant to 18 U.S.C. § 1594, and the USAO has  
5 established the requisite nexus between such assets described below,  
6 and such offenses:

- 7 - Samsung Galaxy S7 Edge cellular phone
- 8 - \$55.00 in U.S. currency

9 **4.** Upon the entry of this Order, the United States Attorney General (or a  
10 designee) is authorized to seize the above-listed assets subject to  
11 forfeiture, whether held by the Defendant or by a third party, and to  
12 conduct any discovery proper in identifying, locating or disposing of  
13 the property subject to forfeiture, in accordance with 21 U.S.C. § 853  
14 and Federal Rule of Criminal Procedure 32.2(b)(3).

15 **5.** Upon entry of this Order, the United States is authorized to commence  
16 any applicable proceeding to comply with statutes governing third  
17 party rights, including giving notice of this Order.

18 **6.** Pursuant to 21 U.S.C. § 853(n), the United States will post notice of  
19 this Order on the official government internet site  
20 ([www.forfeiture.gov](http://www.forfeiture.gov)) for at least 30 consecutive days. The United

1 States may also, to the extent practicable, provide direct written notice  
2 to any person known to have alleged an interest in the property that is  
3 the subject of the Preliminary Order of Forfeiture, as a substitute for  
4 posted internet notice as to those persons so notified.

5 **7.** Any person, other than the above-named Defendant, asserting a legal  
6 interest in the above-listed property may, within thirty (30) days of the  
7 final posting of notice, or receipt of notice, whichever is earlier,  
8 petition the Court for a hearing without a jury to adjudicate the validity  
9 of his or her alleged interest in the above-listed property, and for an  
10 amendment of the order of forfeiture, pursuant to Federal Rule of  
11 Criminal Procedure 32.2(b)(6) and 21 U.S.C. § 853(n).

12 **8.** Any petition filed by a third party asserting an interest in the above-  
13 listed property shall be signed by the petitioner under penalty of  
14 perjury and shall set forth the nature and extent of the petitioner's right,  
15 title, or interest in said property, the time and circumstances of the  
16 petitioner's acquisition of the right, title or interest in said property,  
17 and any additional facts supporting the petitioner's claim and the relief  
18 sought.

19 **9.** After the disposition of any motion filed under Federal Rule of  
20 Criminal Procedure 32.2(c) and before a hearing on the petition,

discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.


**10.** The United States shall have clear title to the above-listed property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2), for the filing of third party petitions.

**11.** Pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A) and (B), this Preliminary Order of Forfeiture is final as to the Defendant at the time of sentencing, and is made part of the sentence and is included in the judgment.

**12.** The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

**IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and provide copies to all counsel and the U.S. Probation Office.

**DATED** this 11th day of September 2018.

  
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SALVADOR MENDOZA, JR.  
United States District Judge